

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM  
DISMISSAL REPORT

MUR: 6877

Complaint Receipt Date: October 3, 2014

Response Date: October 20, 2014

Respondents: Ellis Boal; Friends of  
Ellis Boal; Ellis Boal  
for Congress

EPS Rating:

Alleged Statutory/	26 U.S.C. § 6113 (IRS Disclaimer Notice)
Regulatory Violations	52 U.S.C. § 30116(a), (f)
	52 U.S.C. § 30120(a)
	11 C.F.R. § 110.11

The Complainant alleges that the 2014 congressional campaign of Ellis Boal, though its website, sought contributions but omitted allegedly required information. Specifically, the Complainant asserts that the solicitations omitted information "as regards the tax deductibility" of contributions<sup>1</sup> and failed to state the "limits of legal or appropriate potential donation amounts." The Response asserts that neither the campaign's total contributions nor expenditures exceeded the "FEC thresholds of \$2600 or \$5000," thus, Boal was not yet a "candidate" under the Act, and there could be no violation of "any campaign finance law." The Commission's website discloses no filings by Mr. Boal or any committee affiliated with his 2014 campaign.<sup>2</sup> He did, however, receive about 1% of the vote in the Michigan 1<sup>st</sup> district general election.<sup>3</sup>

<sup>1</sup> The Commission does not have jurisdiction over 26 U.S.C. § 6113, which pertains to the disclosure of the non-tax deductibility of certain contributions. Therefore, we make no recommendation regarding this allegation.

<sup>2</sup> An individual does not become a "candidate" under the Act and incur registration and committee reporting requirements until, *inter alia*, he or she has received contributions or made expenditures aggregating in excess of \$5,000. 52 U.S.C. § 30101(2)(A); 11 C.F.R. § 100.3(a)(1).

<sup>3</sup> See <http://www.fec.gov/pubrec/fe2014/2014house.pdf>.

1 The Act and Commission regulations prohibit individuals from making contributions to  
2 any candidate and his or her authorized committees in excess of \$2,600 per election during the  
3 2013-2014 election cycle. *See* 52 U.S.C § 30116(a)(1)(A), 11 C.F.R. § 110.1(b)(1). *See also*  
4 52 U.S.C. § 30116(f), 11 C.F.R. § 110.9 (prohibiting candidates and committees from knowingly  
5 accepting contributions that exceed the limit). In this case, Boal denies accepting excessive or  
6 prohibited contributions, and we have no information to the contrary. And even assuming that  
7 Boal had crossed the Act's candidacy thresholds during the 2014 election cycle, the screenshots  
8 of Boal's website (attached to the Complaint) appear to contain a proper disclaimer for an  
9 authorized committee. Boal asserts that he sought required contributor information, and he  
10 amended his website to clarify that he was seeking only contributions that complied with the  
11 Act.<sup>4</sup>

12 Based on its experience and expertise, the Commission has established an Enforcement  
13 Priority System using formal, pre-determined scoring criteria to allocate agency resources and  
14 assess whether particular matters warrant further administrative enforcement proceedings. These  
15 criteria include: (1) the gravity of the alleged violation, taking into account both the type of  
16 activity and the amount in violation; (2) the apparent impact the alleged violation may have had  
17 on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent  
18 trends in potential violations and other developments in the law. This matter is rated as low  
19 priority for Commission action after application of these pre-established criteria. Given that low  
20 rating and the other circumstances presented, we recommend that the Commission dismiss the  
21 allegations consistent with the Commission's prosecutorial discretion to determine the proper  
22 ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32

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<sup>4</sup> *See* 11 C.F.R. §§ 110.11, 104.7 (disclaimer requirements for political committees and solicitations).

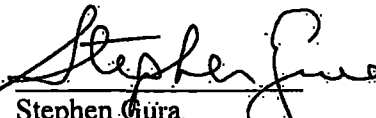
(1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

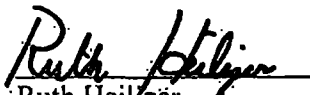
Daniel A. Petalas  
Acting General Counsel

Kathleen M. Guith  
Acting Associate General Counsel  
for Enforcement

6.6.16  
Date

BY:

  
Stephen Gura  
Deputy Associate General Counsel  
Enforcement

  
Ruth Heilizer  
Attorney  
Complaints Examination  
& Legal Administration